

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD BAKER, *et al.*,

Plaintiffs,

v.

Civil Case No. 22-11388
Honorable Linda V. Parker

MARLA JONES, *et al.*,

Defendants.

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**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S JANUARY 20,
2023, REPORT AND RECOMMENDATION**

Pro se plaintiffs Richard Baker and Kim Albright (“Plaintiffs”) bring this civil rights lawsuit pursuant to 42 U.S.C. § 1983. In the Complaint, Plaintiffs allege numerous civil claims rights against the following: State of Michigan Department of Health and Human Services (“MDHHS”) employee Marna Miller (“Miller”), CSI Support & Development Services (“CSI”) employees Marla Jones and Cindy Lamb (“CSI Defendants”), and three other individuals, “Alex,” care nurse Roderick Hall, and Michael Polsinelli, on June 18, 2022. (ECF No. 1.) Plaintiffs were granted permission to proceed *in forma paupers*. (ECF No. 4.) The matter has been referred to Chief Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters

pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 6.)

On December 22, 2022, Plaintiffs filed a Motion for Default Judgment. (ECF No. 48.) On January 17, 2023, Chief Magistrate Judge Grand issued a report and recommendation (R&R) recommending that the Court deny Plaintiffs' Motion for Default Judgment. (ECF No. 57.) Specifically, Chief Magistrate Judge Grand finds that Plaintiffs' motion is moot due to the prior January 17, 2023 R&R dismissing all Defendants, Plaintiffs did not effectuate proper service of process on Defendant Hall, and a motion for summary judgment at this juncture is procedurally improper. (*Id.* at Pg ID at 357-58.) At the conclusion of the R&R, Chief Magistrate Judge Grand informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at Pg ID 358-59.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.* at Pg ID 358 (citations omitted).) Neither party filed objections.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Chief Magistrate Judge Grand. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Plaintiffs' Motion for Default Judgment (ECF No.

48) is **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: February 10, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 10, 2023, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager